

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ofer Adan

Application No.: 10/544,122

Filed: November 24, 2003

Examiner: Not Yet Assigned

Art Unit: Not yet Assigned

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Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

Sir:

Reconsideration of the Decision on Petition dated February 8, 2011, is respectfully requested.

The Decision dismissed the original petition under 37 CFR 1.137(b) on the grounds that sufficient explanations regarding delays in responding to Notifications of Missing Requirements and in presenting a renewed petition have not yet been provided.

In the case of the delay in responding to the Notice of Missing Requirements, shortly after the subject application was filed, signatures of the various co-inventors were sought via their respective employers. Diligent follow up attempts were made to secure these signatures when they were not immediately forthcoming and several reminders of due dates and the need for signatures were exchanged. The process of obtaining signatures was hampered because the inventors were employed at different companies, at different locations throughout the United States and in Israel. Signature pages were collected as they were provided, and as soon as all signatures had been obtained, the response to the Notice of Missing Requirements was filed. However, this occurred outside the time provided for the response to the Notice of Missing Requirements (with extensions), hence, the original petition to revive was submitted along with the response.

On November 13, 2006, a decision on the original petition to revive was issued, indicating that the response to the Notice of Missing requirements was defective because of the composite nature of the submission. A two month period for response was set.

The November 13, 2006 Decision was sent to one of the co-assignees, Applied Materials, at the company's Santa Clara, CA headquarters. This occurred during a period of time for which no in-house counsel for the division of the company to which the subject application pertains was appointed. Consequently, the November 13, 2006 Decision was not provided to the undersigned, and I was not aware of same.

In June 2009, the undersigned was contacted by the Applied Materials to investigate the circumstances surrounding the abandonment of this application and a copy of the November 13, 2006 Decision was, for the first time, provided to me. After reviewing the November 13, 2006 Decision, I immediately requested instructions regarding further handling of this application, however, I did not receive those instructions until June 2010. Upon inquiry, I learned that the delay in providing these instructions was not intentional, but was complicated by the bifurcated ownership structure of the application and the need for the co-owners to confer on the matter.

Upon receipt of instructions to seek revival of this application in June 2010, I undertook to diligently assemble the required documents for responding to the original Notice of Missing Parts and filed same, along with a new petition to revive (the petition which is the subject of this request for reconsideration), on August 27, 2010.

Accordingly, reconsideration of the Decision on Petition dated February 8, 2011, and revival of the subject application is respectfully requested. If any additional fee is required, please charge Deposit Account No. 19-3140.

Respectfully submitted,

Date: April 8, 2011

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